

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ADAN ISACK YUSUF,

Petitioner,

CASE NO. C18-0503-RSL-MAT

V.

JEFFREY UTTECHT,

Respondent.

ORDER RE: PENDING MOTIONS

Petitioner proceeds pro se and *in forma pauperis* in this habeas corpus matter pursuant to

28 U.S.C. § 2254. Having considered two recent filings in this matter, the Court herein finds and rules as follows:

(1) Petitioner filed a Motion to Appoint Counsel. (Dkt. 12.) He requests the appointment of counsel due to his limited English language skills and reading ability. There is no right to have counsel appointed in cases brought under 28 U.S.C. § 2254 unless an evidentiary hearing is required. *See Terravona v. Kincheloe*, 852 F.2d 424, 429 (9th Cir. 1988); *Brown v. Vasquez*, 952 F.2d 1164, 1168 (9th Cir. 1992); and Rule 8(c) of the Rules Governing Section 2254 Cases in the United States District Courts. The Court may exercise its discretion to appoint counsel for a financially eligible individual where the “interests of justice so require.” 18 U.S.C.

ORDER RE: PENDING MOTIONS

PAGE - 1

1 § 3006A. In this case, while the Court is sympathetic to the reasons set forth for the appointment
2 of counsel, a review of the docket supports the conclusion petitioner is able to adequately
3 understand and articulate arguments associated with his claims and the habeas proceedings as a
4 general matter. Petitioner therefore fails to demonstrate the interests of justice are best served by
5 appointment of counsel at the present time. Accordingly, petitioner's motion to appoint counsel
6 (Dkt. 12) is DENIED.

7 (2) Petitioner also seeks a thirty-day extension of time to thoroughly research
8 arguments of respondent and to prepare a response to the answer. Finding this request
9 reasonable, the Court GRANTS petitioner's Motion for Extension of Time to File Reply (Dkt.
10 16). Petitioner may file a response to the answer on or before **September 17, 2018**. Respondent
11 may file a reply on or before **September 21, 2018** and the answer is RENOTED for
12 consideration as of that date.

13 (3) The Clerk is directed to send copies of this Order to the parties and to the
14 Honorable Robert S. Lasnik.

15 DATED this 20th day of August, 2018.

Mary Alice Theiler
Mary Alice Theiler
United States Magistrate Judge